

Message Text

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ACTION NEA-10

INFO OCT-01 ISO-00 HA-05 CIAE-00 INR-10 NSAE-00 L-03
SS-15 SP-02 INRE-00 SSO-00 PA-01 ICAE-00 NEAE-00
/047 W

-----096038 241500Z /50
O 241435Z AUG 78
FM AMEMBASSY TUNIS
TO SECSTATE WASHDC IMMEDIATE 2265

C O N F I D E N T I A L TUNIS 5972

E.O. 11652: GDS
TAGS: SHUM, TS
SUBJECT: SOUSSE TRIAL AND AFTERMATH

REF: STATE 214627

1. EMBASSY APPRECIATES RECEIVING TEXT OF AMNESTY
INTERNATIONAL (AI) PRESS RELEASE, WHICH NOT AVAILABLE
HERE. WE FIND ONLY ONE OR TWO SMALL DIFFERENCES BETWEEN
EMBASSY REPORTING AND AI PRESS RELEASE IN REGARD TO
QUESTIONS OF FACT (AS DISTINGUISHED FROM OPINION OR
INTERPRETATION).

2. DIFFERENCES WOULD SEEM TO BE LIMITED TO THE FOLLOWING:

A. AI STATES "DEFENDENTS BEING TRIED ON A WIDE RANGE
OF CHARGES, INCLUDING OFFENSES AGAINST STATE SECURITY AND
INCITEMENT TO CIVIL STRIFE." CHARGES AS PUBLISHED HERE
TO INCLUDE INCITEMENT TO CIVIL STRIFE BUT NOT RPT NOT
"OFFENSES AGAINST STATE SECURITY." HAD THERE BEEN SUCH A CHARGE,
THE GOVERNMENT WOULD, PRESUMABLY, HAVE TAKEN CASE DIRECTLY
TO STATE SECURITY COURT (OR SO DEFENSE BELIEVES).

B. AI STATES DECISION TO TRANSFER CASE TO STATE
SECURITY COURT HIGHLIGHTS CASE AS POLITICAL ONE AND
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FOLLOWS A NUMBER OF PROCEDURAL IRREGULARITIES. IF
PROCEDURAL IRREGULARITIES REFER TO COURTROOM PROCEDURE,
WE ARE NOT AWARE THAT THIS IS THE CASE. (FOR DEPARTMENT'S
INFORMATION, EMBASSY HAS RETAINED SERVICES OF A RESPECTED
TUNISIAN LAWYER WITH WHOM WE ARE CONSULTING FREQUENTLY
ON QUESTIONS OF PROCEDURE IN UGTT TRIALS TO INSURE THAT
OUR REPORTING IS AS ACCURATE AS POSSIBLE; AND WE HAVE

SO FAR NOT COME ACROSS ANY CLEAR CUT PROCEDURAL IRREGULARITY.) IF PROCEDURAL IRREGULARITY REFERS TO ALLEGATIONS OF POLICE TORTURE OR MALTREATMENT, SUCH CHARGES HAVE BEEN MADE--AS WE HAVE REPORTED.

C. AI STATES ACHOUR AND 10 MEMBERS OF EXECUTIVE COMMITTEE HAVE BEEN HELD IN SOLITARY CONFINEMENT SINCE THEIR ARREST. THIS WOULD APPEAR TO BE A QUESTION OF DEFINITION. ELEVEN BEING HELD IN SEPARATE CELLS, WHEREAS OTHER DEFENDENTS ARE BEING HELD IN LARGER GROUPS. OUR UNDERSTANDING FROM DEFENSE IS THAT ELEVEN HAVE ACCESS TO LAWYERS, RADIO AND TV AND REGULAR EXERCISE PERIODS. (FOR DEPARTMENT'S INFORMATION RSJTJDSUX WITH WHOM WE ARE

INREGULAR CONTACT,HAS NOT COMPLAINED TO EMBASSY ABOUT SOLITARY CONFINEMENT.)

3. WHILE THIS WOULD SEEM TO BE THE EXTENT OF POSSIBLE DISAGREEMENT ON FACT, IT WOULD APPEAR TO US THAT AI MAY HAVE JUMPED TO CONCLUSIONS IN SAYING THAT SOUSSE COURT "HAS DECIDED" TO TRANSFER CASE TO STATE SECURITY COURT. SOUSSE COURT CAN STATE ITS OPINION THAT THIS IS A SECURITY CASE, BUT ONLY MINISTRY OF JUSTICE CAN TRANSFER A CASE TO STATE SECURITY COURT. IN FACT, GOVERNMENT HAS APPEALED SOUSSE COURT DECISION TO TUNISIAN COURT OF CONFIDENTIAL

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CASSATION (SUPREME COURT), AND GOVERNMENT'S OWN PRESS STATES THIS BEING DONE IN EFFORT TO RETURN CASE TO CIVIL COURTS. IN PRIVATE CONVERSATIONS WITH EMBASSY, NEITHER THE DEFENSE NOR POLITICAL OPPOSITION HAVE CHARGED THAT GOVERNMENT MANIPULATED SOUSSE COURT'S DECISION. (FOR DEPARTMENT'S INFORMATION, THEREIS MOUNTING EVIDENCE THAT SOUSSE COURT DECISION HAS CAUSED THE GOVERNMENT CONSIDERABLE CONCERN, ALTHOUGH WE SHOULD BE EXTREMELY CAREFUL NOT TO BE CATEGORICAL IN THIS REGARD UNTIL ALL THE RETURNS ARE IN. IN ANY CASE, DEFENSE STATES TO US PRIVATELY THAT THEY ARE PLEASED WITH SOUSSE COURT'S DECISION.)

4. DEFENSE LAWYERS HAVE TOLD US THEY HAVE FILED SPECIFIC CHARGES AGAINST INDIVIDUALS WHO THEYBELIEVE TO HAVE BEEN GUILTY OF VIOLENCE TO CERTAIN DEFENDENTS DURING DETENTION. WE DO NOT KNOW WHETHER AI AWARE OF THIS, SINCE DEFENSE LAWYERS HAVE MADE NO PUBLIC STATEMENT IN THIS REGARD. BUT ALLEGATIONS OF TORTURE OR MALTREATMENT HAVE BEEN REPORTED IN THE TUNISIAN PRESS AT LENGTH. WE ARE PREPARING A REPORT ON THIS ASPECT OF THE CASE, INCLUDING GOVERNMENT'S REFUTATION THAT HAS JUST AP-

PEARED IN ALL PAPERS, IN A TELEGRAM THAT DEPARTMENT
WILL RECEIVE SHORTLY.

5. IF DEPARTMENT FINDS ANY OTHER APPARENT DIFFERENCES,
PLEASE ADVISE.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LABOR UNION OFFICIALS, TRIALS, PRESS RELEASES
Control Number: n/a
Copy: SINGLE
Draft Date: 24 aug 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978TUNIS05972
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780346-1019
Format: TEL
From: TUNIS
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780826/aaaaavie.tel
Line Count: 122
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 2246105c-c288-dd11-92da-001cc4696bcc
Office: ACTION NEA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 78 STATE 214627
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 05 jul 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1627738
Secure: OPEN
Status: NATIVE
Subject: SOUSSE TRIAL AND AFTERMATH
TAGS: SHUM, PINS, TS, AI
To: STATE
Type: TE
vdkgvwkey: odhc://SAS/SAS.dbo.SAS_Docs/2246105c-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014